

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                       |   |                     |
|---------------------------------------|---|---------------------|
| <b>FULTON FINANCIAL ADVISORS, NA,</b> | : | <b>CIVIL ACTION</b> |
| <b>Plaintiff</b>                      | : |                     |
|                                       | : |                     |
| <b>vs.</b>                            | : | <b>NO. 09-4855</b>  |
|                                       | : |                     |
| <b>NATCITY INVESTMENTS, INC.,</b>     | : |                     |
| <b>Defendant</b>                      | : |                     |

**O R D E R**

**AND NOW**, this 15th day of October, 2013, upon consideration of the defendant's motion to dismiss (Document #12), and all responses and replies thereto, **IT IS HEREBY ORDERED** that the motion is GRANTED in part and DENIED in part as follows:

1. The motion is GRANTED as to the plaintiff's first, second, third, fourth, fifth, eighth, and ninth causes of action, asserting claims for violations of the Pennsylvania Securities Act, equitable rescission, negligent misrepresentation, common law fraud, and aiding and abetting fraud.
2. The motion is GRANTED as to the plaintiff's request for attorney's fees.
3. The motion is DENIED as to the plaintiff's sixth and seventh causes of action, asserting claims for negligence and breach of fiduciary duty.
4. The motion is also DENIED to the extent that it seeks to strike immaterial matter from the plaintiff's complaint.

**IT IS FURTHER ORDERED** that:

1. All discovery shall be completed by **Friday, January 3, 2014**.
2. A telephone status conference will be conducted on **Friday, December 13, 2013** at 11:30 a.m. Counsel for the plaintiff shall initiate the call, and include the law clerk (267-299-7764).

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.